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GROUP 1600

## FACSIMILE TRANSMITTAL SHEET

**TO:** Examiner Anne L. Holleran, Art Unit 1642

**FIRM/COMPANY:** United States Patent and Trademark Office  
Serial No. 09/839,779; Filing Date: 04/20/2001

**FACSIMILE NUMBER:** 703-308-2742

**CONFIRMATION  
TELEPHONE:** 703-308-8892 or 703-308-0196

**FROM:** Melanie S. Goddard

**DIRECT DIAL:** 215.979.1310

**DATE:** August 12, 2002

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**TOTAL # OF PAGES:** 3  
(INCLUDING COVER SHEET)

**MESSAGE:** PLEASE DELIVER TO EXAMINER ANNE L. HOLLERAN  
IMMEDIATELY.

PH1\1002165 1NOTE: Original will NOT follow.

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## PATENT

Docket No. U0381-00001

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SEP 1 2002

In re application of: Amin I. Kassis

Examiner: Anne L. Holleran

Serial No.: 09/839,779

Group Art Unit: 1642

GROUP 1600

Filed: April 20, 2001

For: METHODS FOR TUMOR DIAGNOSIS  
AND THERAPY

I, MELANIE S. GODDARD, REGISTRATION NO. 46,732 CERTIFY  
THAT THIS CORRESPONDENCE IS BEING TRANSMITTED VIA  
FACSIMILE TO THE UNITED STATES PATENT AND TRADEMARK  
OFFICE:

ON

8/12/02

  
MELANIE S. GODDARD

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the restriction requirement in the Official Action dated July 16,  
2002.

REMARKS

The Examiner requires election among the following sets of species:

I. The Examiner states that each enzyme recited in Claim 5 is a separate species. Claims 1-20 are said to be generic. Applicant provisionally elects the enzyme phosphatase, with traverse. Claims 1-20 read on this species.

II. The Examiner states that each targeting moiety listed in claim 8 is a separate species. Claims 1-8 and 12-20 are said to be generic. Applicant provisionally elects the targeting moiety is an antibody, with traverse. Claims 1-9 and 12-20 read on this species.

## PATENT

Docket No. U0381-00001

III. The Examiner states that the different recited examples for R<sup>1</sup> are separate species. Claims 1-14 and 20 are said to be generic. Applicant provisionally elects a gamma emitter, with traverse. Claims 1-15 and 20 read on this species.

IV. The Examiner states that the different recited examples for BLOCK are separate species. Claims 1-20 are said to be generic. Applicant elects the species wherein BLOCK is a monovalent blocking group derivable by removal of one hydroxyl from a phosphoric acid group, a sulfuric acid group, or a biologically compatible salt thereof, without traverse. Claims 1-20 read on this species.

With respect to the election requirement in I - III above, Applicants contend that in each case, such an election requirement is improper as the items or compounds in each group are not patentably distinct. M.P.E.P. § 806.05 states that "If [the inventions] are not distinct, restriction is never proper".

Applicants request modification of the election requirement as set forth above, in accordance with the M.P.E.P. Accordingly, examination of claims 1-20 is respectfully requested.

Respectfully submitted,

Dated: 3/12/02

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